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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE COMPANY,  
 14 USA CAPITAL REALTY ADVISORS, LLC,  
 15 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 16 LLC,

17 USA CAPITAL FIRST TRUST DEED FUND, LLC,

18 USA SECURITIES, LLC,

Debtors.

19 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

20 Case No. BK-S-06-10725-LBR  
 21 Case No. BK-S-06-10726-LBR  
 22 Case No. BK-S-06-10727-LBR  
 23 Case No. BK-S-06-10728-LBR  
 24 Case No. BK-S-06-10729-LBR

25 **CHAPTER 11**

26 Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust  
 To Derrick & Laurie Spatorico's Claim  
 Asserting Secured Status**

Hearing Date: October 15, 2007  
 Hearing Time: 9:30 a.m.

19 Derrick & Laurie Spatorico filed Proof of Claim No. 10725-02515 against USA  
 20 Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured  
 21 claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Derrick &  
 22 Laurie Spatorico's assertion that the claim is secured by a valid lien on USACM property  
 23 and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of  
 24 Bankruptcy Procedure, for an order reclassifying Claim No. 10725-02515 as a general  
 25 unsecured claim. The USACM Trust is not, by this filing, objecting at this time to any of  
 26 the claims as unsecured claims or on grounds that the claims were untimely filed, but

1 reserves the right to do so. The basis for this Objection is fully explained in the USACM  
2 Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to the  
3 USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a  
4 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus  
5 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And  
6 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the  
7 Motion with this objection.

8 Dated: July 30, 2007.  
9

10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

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13 Rob Charles, NV 6593

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